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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,489	01/23/2002	Osamu Hashimoto	0819-0739	7304

22204 7590 07/14/2003

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EXAMINER

MACARTHUR, VICTOR L

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/052,489

Applicant(s)

HASHIMOTO ET AL.

Examiner

Victor MacArthur

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 2 is objected to because of the following informalities:

The phrase “said recessed portion of said outer cylindrical body” appearing in claim 2 lacks proper antecedent basis since the recessed portion was not previously and specifically claimed as being “of the outer cylindrical body”. The examiner notes that claim 1 states that the recessed portion is located “at a position of” the outer cylindrical body but not necessarily being a part of the body. The examiner suggests more clearly claiming the recessed portion as being formed in the outer cylindrical body in claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 04124520.

1. JP04124520 discloses (figs.1-3) a shift lever bush (5, 9) mounted between a shaft portion (20) formed in one of a pair of axially two-piece-divided shift lever members (19, 22) and a cylindrical portion (lower portion of 22) formed in the other of said pair of shift lever members, said shift lever bush comprising: an inner cylindrical body (2) mounted to said shaft

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portion of said one shift lever member by external interfit, an outer cylindrical body (4) disposed substantially coaxially with a cylinder axis of said inner cylindrical body so as to surround an outer peripheral surface of said inner cylindrical body, and mounted to said cylindrical portion of said other shift lever member by internal interfit, and a rubber elastic body (5), fixedly attached to said outer peripheral surface of said inner cylindrical body, for connecting together said inner and outer cylindrical bodies, wherein an interfit fixing portion (portion of 5 in contact with 2 and 4 in fig.1) which is fixed to an inner peripheral surface of said outer cylindrical body by internal interfit and at least one projecting portion (11) which becomes radially convex from said inner cylindrical body toward said outer cylindrical body are formed in said rubber elastic body, said interfit fixing portion and said projecting portion being located at different positions in the cylinder axis direction, wherein a recessed portion (7), becomes concave correspondingly to the shape of said projecting portion with a clearance of a given amount left between said recessed portion and said projecting portion, is formed at a position of said inner peripheral surface of said outer cylindrical body corresponding to the position of said projecting portion.

2. JP04124520 discloses that said recessed portion of said outer cylindrical body is formed by a pair of recesses which are circumferentially spaced from each other by a given distance in said outer peripheral surface of said outer cylindrical body and which are so recessed as to respectively project toward said inner peripheral surface of said outer cylindrical body, wherein said inner cylindrical body is inserted to the inside of said outer cylindrical body, with said rubber elastic body fixedly mounted to said inner cylindrical body, and wherein during said insertion said interfit fixing portion of said rubber elastic body is interfittingly fixed, by press fit, to said inner peripheral surface of said outer cylindrical body, wherein said interfit fixing portion

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is formed at an end of said rubber elastic body on the side of a base end (lower portion of 5) thereof in the direction of said insertion of said inner cylindrical body into said outer cylindrical body, and wherein an introduction portion (upper portion of 5), which becomes radially convex (top of 5) from said inner cylindrical body toward said outer cylindrical body and the amount of projection of which is smaller than that of said projecting portion, is formed at a position of said rubber elastic body located nearer to the side of a leading end (top end of 2) of said inner cylindrical body in said insertion direction than said projecting portion.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Referring to shift levers:

USPN 4603598 to Tsuji;

USPN 5467664 to Wehner;

USPN 4569246 to Katayama;

USPN 3800909 to Duncanson;

JP 2000291789 to Fujii;

JP 11048811 to Kito;

JP 11011173 to Okajima;

JP 10175457 to Kito;

JP 10151955 to Okajima;

JP 08014375 to Hara.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor MacArthur whose telephone number is (703) 305-5701.

The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

VLM

VLM

June 30, 2003

[Signature]
John H. Collinghaus
Patent Examiner

[Signature]
Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3600